

tives, to be appointed by the presiding officer of each House, whose duty shall be to consider all matters that in anywise pertain to the public common school fund and the university funds,

And find the same correctly enrolled, and have this day at 11:15 o'clock a. m., presented same to the Governor for his approval.

HALE, Chairman.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas, Saturday, April 18, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Decker.	Mills.
Faubion.	Morris.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Harbison.	Stafford.
Harper.	Wilson.
Henderson.	Willacy.
Hicks.	

Absent.

Davidson of	Douglass.
Galveston.	Hanger.

Absent—Excused.

Beaty.	Patteson.
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Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Decker, the same was dispensed with.

MEMORIAL.

Senator Davidson of DeWitt offered the following memorial:

THE TEXT-BOOK BILL.

Texas will not be without a text-book law. Notwithstanding the talk of a powerful lobby, the Texas Legislature will do its duty and the lobby will have its pains for its trouble, except insofar as it may aid the lawmakers in avoiding error. Boodle and booze may win in some northern Legislatures, but Texas has a different kind of Legislature.

It is proposed in the Senate to put

the responsibility of the new commission upon the Governor, and to restrict the membership of the commission to actual teachers of the schools affected by the school book law, excluding from membership all teachers in schools which are exempt from the operation of the law.

Both the propositions are rational. In the first instance, no member of the commission is to be made secure in his position by law, and hence if a mistake should be made in the estimate of the character of any individual appointed he could be removed. Appointed by the executive, the membership would be responsible to him for good service, and it would be much more difficult for venal influences to be brought to bear. Such a provision will furnish a long step toward the insurance of patriotic devotion to the public welfare in the discharge of these deeply important functions.

In the second instance, one great danger is wholly obviated, to wit: the selection of some ambitious author who has the most desirable work ever written on that particular subject. The presence of such an author would be a handicap to any board; for human nature at bottom is kindly, and the appeal of the individual present and closely associated is calculated to obscure to no small degree the interests of the absent patrons of the schools, who have no means by which to exploit their needs and their weaknesses.

There is no reason why these proposals should not be enacted into law. Those who teach the primary and grammar grades are better able to judge the needs of pupils in these grades than the men who have been devoting years to the study of best means for promoting higher education. The text-book law is for the common schools; therefore let the common schools have charge of the task of selecting the books to be used in them.

To repeat, the text-book bill will pass, for this Legislature is representative of the people. When it has passed, Texas will have a better law than ever before.

SENATE BILL NO. 5.—GENERAL APPROPRIATION BILL.

The Chair laid before the Senate on its second reading, Senate bill No. 5, the General Appropriation bill.

Question being on the State Purchasing Agent's Department, with the following pending amendment:

"Amend page 15, by inserting between lines 15 and 16 the following: 'Salary of porter, \$360—\$360,'"

Senator Sebastian moved to table the amendment, yeas and nays being demanded.

The amendment was tabled by the following vote:

Yeas—12.

Decker.	Martin.
Faubion.	Mills.
Faust.	Paulus.
Harbison.	Sebastian.
Henderson.	Willacy.
Lipscomb.	Wilson.

Nays—10.

Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Perkins.
DeWitt.	Savage.
Grinnan.	Stafford.
Harper.	

Absent.

Davidson of	Hale.
Galveston.	Hanger.
Douglass.	McKamy.
Faulk.	Morris.

Absent—Excused.

Beaty. Patteson.

ADJUTANT GENERAL'S OFFICE.

Senator Mills offered the following amendment:

(33)

"Amend page 16, line 4, by inserting, 'payment of and transportation and subsistence for the Volunteer Guard when called into active service under the law, and it shall not be lawful to pay out of this sum any amount that is not for the subsistence and transportation of the volunteers when called into active service. \$5000—\$5000.'"

The amendment was adopted.

Senator Decker offered the following amendment:

(34)

"Amend by adding after line 30, of page 15, of the printed bill: "For armory rent, maintenance and other military expenses for companies, troops, batteries and bands of Texas Volunteer Guard, under such regulations as the Governor and Adjutant General may adopt, \$10,000—\$10,000.'"

The amendment was adopted.

Senator Decker offered the following amendment:

(35)

"Amend line 3, page 16, of the printed bill, by substituting '\$28,500' for '\$30,000,' wherever it occurs."

The amendment was adopted.

Senator Faulk offered the following amendment:

(36)

"Amend line 3, page 16, by adding after the word 'crime,' the following:

'Provided no ranger shall be sent to any organized county unless requested by the district judge and district attorney, or at least three county officers or by fifty citizens thereof.'"

Senator Davidson of DeWitt made a point of order that the amendment sought to amend the statute, giving the title and article it sought to amend, also that the Governor had not submitted this class of legislation to the Special Session.

The Chair sustained the point of order.

Senator Wilson offered the following amendment:

(37)

"Amend line 30, page 15, of the printed bill by substituting '\$1500' for '\$1000,' wherever it occurs."

The amendment was adopted.

PUBLIC PRINTING.

No amendment.

UNIVERSITY OF TEXAS.

Senator Hicks offered the following amendment:

"Amend by striking out on page 17, in line 7, the figures '\$75,000' and insert in lieu thereof '\$125,000.'"

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 13, A bill to be entitled "An Act to render more effective and efficient the present road law of the State of Texas, in its application and operation in the counties of Guadalupe, Caldwell, Bee, Jackson, Grimes, Bexar, Comal, Colorado and Hays," etc.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 7, A bill to be entitled "An Act to create a State Text-Book Board, and to procure for use in the public schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein

named; making an appropriation therefor; defining certain misdemeanors, and providing penalties for violations of the provisions of this act, and declaring an emergency," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Neal) had read and referred, after their captions had been read, the following House bills:

House bill No. 13, A bill to be entitled "An Act to render more effective and efficient the present road law of the State of Texas, in its application and operation in the counties of Guadalupe, Caldwell, Bee, Jackson, Grimes, Bexar, Comal, Colorado and Hays," etc.

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 7, A bill to be entitled "An Act to create a State Text-Book Board, and to procure for use in the public schools of the State of Texas a series of uniform text-books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors, and providing penalties for violations of the provisions of this act, and declaring an emergency."

Referred to Committee on Public Health.

ADJOURNMENT.

Senator Sebastian moved that the Senate adjourn until 10 o'clock Monday morning.

Yeas and nays were demanded, and the Senate, at 12:40 p. m., adjourned until Monday morning at 10 o'clock by the following vote:

Yeas—16.

Davidson of	Hicks.
DeWitt.	McKamy.
Decker.	Morris.
Faubion.	Savage.
Faulk.	Sebastian.
Faust.	Stafford.
Hale.	Willacy.
Harper.	Wilson.
Henderson.	

Nays—8.

Brachfield.	Hill.
Cain.	Lipscomb.
Grinnan.	Mills.
Harbison.	Paulus.

Absent.

Davidson of	Hanger.
Galveston.	Martin.
Douglass.	Perkins.

Absent—Excused.

Beaty.

Patteson.

APPENDIX A.

SENATORS WILLACY AND HENDERSON'S SPEECHES ON THE TEXT-BOOK BILL.

(Printed in the Journal by request of the Senate.)

Addressing himself to the amendment offered by the Senator from Wood, Senator Willacy said:

Mr. President and Gentlemen of the Senate.

As I interpret the amendment, it seeks to give to Texas authors the preference in the selection of books for the schools of Texas. I can well understand the noble impulse of patriotism which prompts the Senator who offers it and will say that I admire the sentiment which moves Texans to believe that the product of our own genius is equal if not superior to all others.

But where the education of our children is involved, we must not allow our judgment to be biased to the possible detriment of our educational system, but must set everything aside, even the sentiment of State pride, in the interest of the development of thought and intellect.

This is an age of thought. Every contending force must yield to its mandate and all that goes to make the destinies of this great world must submit to its inexorable will.

There was a day when the powerful arm capable of wielding the mightiest battle ax or sword, was marked the conqueror and ruler. He who had greatest physical strength was held in highest regard and elevated to high position among his people. But the axe and sword have yielded to the superior force of thought, and now he is great whose intellect is great.

Napoleon! He who longed for new worlds to conquer! Who lived by the sword and ruled by the sword! He, the man of destiny, foresaw the hour when the mind and not the strong right arm should rule the world. And when his sun of life went down and his head bowed down to earth, he—this man of war—went out from life, not with the sword, but with the Code Napoleon in his hand. Thought had conquered and he had submitted to it, even in the hour of death.

Lamar! That noble hero who by his wisdom and patriotism, wrote his name

upon the grandest pages of the world's history! Listen to his words spoken in that hour when Texas had resolved to free itself from the rule of Mexico. I may not recall the exact language, but this is the substance. "Any nation, having such immense wealth of public domain, refusing to devote it or any portion of it to the education of her colonies, deserves not to own colonies nor control them."

"Education is the only foundation upon which a free government may stand! Intellect is the only dictator a free people may recognize."

That thought was present in the hearts of heroes at the Alamo and at San Jacinto, where invincible patriots reached up into the azure dome of heaven and gathered the one brightest, most brilliant star that might represent a new and glorious Republic.

The same thought filled the minds of the framers of the Constitution of that Republic which provided for the education of her sons and daughters from the public domain, and left a splendid heritage to posterity. The same sentiment guided the framers of the first Constitution of Texas as a State and has been perpetuated by every constitution, including the present.

Yes; it is a splendid heritage to posterity. Its proceeds, carefully guarded and wisely supplemented, insure education to our sons and daughters.

Let none abridge the benefits to come to them. Place no law upon our statute books calculated to lessen the value of this heritage. It would be wrong in theory and wrong in principle. And more, to provide and enforce a system under which the very highest benefits cannot or may not accrue to our sons and daughters, would be an act almost of iniquity unparalleled in the history of Texas legislation.

Let no protective tariff be thrown around education! Open wide the gates to intellect and bid it come untrammelled and free from every State and every Nation to the sons and daughters of Texas! Let them receive the impulse of contact and let our genius develop its potentialities in competition with the world!

Addressing himself to his amendment, Senator Henderson said:

Mr. President and Gentlemen of the Senate.

Let's talk a little practical, common sense about this proposition. I know well that there are many Senators here that are being controlled entirely by their environments, and not by what they may regard as practical common sense leading to a correct conclusion.

Now this question of education is not a new thing—I hope it is not; and from the very incipency of this question in the State of Texas, when it belonged to another Republic, was this question injected as to what should be the foundation of a republican form of government, and that question was education for the poor, and all along the line has the word uniformity been used. Uniformity—why? That every one may have an equal chance by reason of being educated alike, and looking to the perpetuity of the interests, the liberties and the life of a Republic. On, and on, and on down the course of time has this question uniformity in one form or another been insisted upon, for when educated alike, homogeneity was assured.

That you may have a clear conception of the question as I see it, and present it, I will read as far back as March 18, 1827, in the Constitution of the State of Coahuila, in Texas, Republic of Mexico, "which provided that in all the towns of the State a suitable number of primary schools shall be established, wherein shall be taught reading, writing and arithmetic. The catechism of the Christian religion, a brief and simple explanation of the Constitution of the State, and that of the Republic of Mexico, the rights and duties of man in society and whatever else may conduce to the better education of youth; that the seminaries most required for affording the public a means of instruction in the sciences and arts useful to the State and wherein the Constitution shall be fully explained, shall be established in suitable places and in proportion as circumstances go on permitting, and that the method of teaching shall be uniform throughout the State," and to facilitate the same, it then goes on and makes provisions which today constitute the foundation for your State University, and your common free school fund. A nation seeking to take care of itself and its future prosperity and perpetuity through the only means known to man, a general diffusion of knowledge. We will come on down because this same idea, this same thought, the same principle permeates throughout the different Constitutions from that date down to 1876, when the present one was made, and what do they say there?

"Section 1, Article 7. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provisions for support and maintenance of an efficient system of public free schools," and in Section 2 ample provisions are made to

carry into effect this mandatory clause that occurs in a previous section by setting apart one-half of all the public domain and other provisions.

Now in the name of all that is holy, is this a system of public free schools that is presented here today? What is a system and what is symmetry? Will the Senators stand up in their places, especially the Senators that are voting against their convictions because of their environments, and say to me today, and say to this Senate, that this is system or symmetry, as is proposed in this bill we are today offering to the people of the State of Texas? If so, I will rest awhile and permit them to have their say. Legislation of emergency; legislation because of what?—a force beyond the State Senate—their environments, Mr. President. Losing sight of the statesmanship and the instructions that they necessarily must draw from the Constitution for the last 40 or 50 years, and kneeling down to the conditions in their own town, ask that they be exempt from the system. Mine is one that wants to be exempt, but I will rise superior to the surroundings at home and my immediate environments and insist on a system that means a system, and not what we are offering the people today.

Now we have talked a great deal here about a system, and I appreciate the unfortunate condition of some of my friends here, the Senators that feel constrained to make an argument to justify conditions at home, and they are unfortunate. Now I live in that kind of a city, and yet I do not feel constrained to do that what I do not think is proper. There is something in my system higher than the platform of any party, that which is to me as the Legislature is to the people—the Constitution. The organic law is beyond this, and I am so constituted that I cannot be so inconsistent as to consider that which applies to a whole State, as to apply to only a few people in the hamlets and villages of this broad land. By nature a democrat, recognizing no distinction between people, I would even agree to woman's rights to vote as long as universal suffrage is our plan of government.

It is not fair to assume the supremacy of man until he proves it in a fair field. But what are we here for, in the language of the celebrated ———, and I have been amazed at my friend who staggers and reels as he attempts to defend a proposition that he is not in accord with.

(Faulk to Henderson.)

Why do you make it apply only to the eighth grade?

Answer. Because I am informed by

teachers, and have been by the Educational Department, not recently, that the State's fund will pay the expenses to about the eighth grade, and there the State ceases paying out money for it, and there the community steps in, if it is carried further.

(The Senator from Burleson to Henderson.)

Do you know whether the Superintendent referred to the eighth grade in the country or in the cities?

Answer. To the eighth grade of the people, because I cannot distinguish between the children of a hamlet and the people of a great State. That is one of the prime objects of the law as it now exists. Following along this line of argument, I want to state that every Constitution had in contemplation, some of them setting it out, that there shall be a uniform system of teaching the people all alike.

(Faulk.)

"Why does the Constitution allow the cities to levy a tax of 50 per cent on the \$100, and the country not over 20 per cent?"

Mr. President, that question is not relevant to the amendment at all. They claim because they are assessed in a city under the Constitution of this State for public education that it is still their fund, and I deny it. It is deposited and apportioned under the Constitution of this State to the counties per capita according to the scholastic census. It is the State's and not the city's fund, and I propose by this amendment that it shall be a uniform system approximately, to the State control to the extent that the State pays the freight. I say that uniformity is better for all parties concerned. I am looking down into the future. I have insisted at all times and insist now that so far as the State pays, they all should be treated alike, not that the city school shall be made worse, but all should fare alike. The city will get its proportion of the tax and to the grade taught by this fund, and it should be uniform everywhere.

Now a word about a city having one system and another system applying to the country. Now, what is a system? What does the word denote? What does the word indicate? Does it indicate a plan, as suggested by this bill, or does it suggest that which was claimed for the *Blair* bill in the United States Congress that carried with it the right of control—national control?

As this is a State fund, we are making a concession on the question of the public free schools in this State, and departed from local self-government, when there should go State control to the

extent that the State paid for the education. That is all that I am claiming now; that is all I am contending for, that the people of this State should be placed on an equality before the law. They are guaranteed that under the bill of rights, the policy of your Constitution of 1876. The democratic party teaches it all over the land and with this bill, without the amendment proposed, you discriminate against the children of a town of 9999 inhabitants in favor of the city with one additional inhabitant.

I live in a city that would be pleased to have this exemption, as it has done heretofore, but I am for the principle involved and for the system as it ought to be; uniformity throughout the land, so that a man can go from one section of this State to another carrying a certificate of grade and his books, and can next day step into the schools of "Beer City" itself, sometimes called San Antonio. Now, is there anything unreasonable in my contention? If the system is good for the village of 500, it is good for the city of thousands to the extent that the State pays the way, and that is all I ask for; that is all a democrat can contend for under the law of special privileges for none, equal rights to all.

You say that the cities can vote this law if they want it. Admit that they can if they desire, but why not let the other people do the same; give them the same option. If it is doubtful as to whether this is a good bill or not, if the experiments we have had do not bear it out, defeat the bill and let the people go back under the old regime.

Now, Mr. President, I have said about all I care to on the proposition. I have not expected it to be adopted. I shall vote for the bill without it, for I am a consistent democrat as sure as you live.

Now, I want the Senators to think about it a moment; this is the last objection, the last argument of the kind I ever expect to make. I know that coming events cast their shadows before, and that ere long State Uniformity will be an accomplished fact.

APPENDIX B.

ROADS, BRIDGES AND FERRIES.

Committee Room,
Austin, Texas, April 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 13, A bill to be entitled

"An Act to render more effective and efficient the present road law of the State of Texas, in its application and operation in the counties of Guadalupe, Caldwell, Bee, Jackson, Grimes, Bexar, Comal, Colorado and Hays," etc.,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the bill be not printed.

FAULK, Chairman.

ENGROSSED BILLS.

Committee Room,
Austin, Texas, April 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills, have carefully examined and compared

Senate bill No. 10, A bill to be entitled "An Act to create a State Text Book Board, and to procure for use in the public schools of the State of Texas a series of uniform text books; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors, and providing penalties for violations of the provisions of this act, and declaring an emergency,"

And find the same correctly engrossed.
FAULK, Acting Chairman.

TWELFTH DAY.

Senate Chamber,
Austin, Texas, Monday, April 20, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
Galveston.	Martin.
Faubion.	Mills.
Faulk.	Paulus.
Faust.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.

Absent.

Beaty.	Grinnan.
Davidson of	McKamy.
DeWitt.	Morris.
Decker.	Patteson.
Douglass.	